

CHAPTER NO. 1068

HOUSE BILL NO. 2358

**By Representatives Sands, White, McMillan, Fowlkes, Pleasant, Haley, Hargett,
Raymond Walker**

Substituted for: Senate Bill No. 2300

By Senator Jordan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5,
relative to sexual offenses.

WHEREAS, In the May 30, 1997 Court of Criminal Appeals opinion in the case of
State v. Dominy the court stated in its conclusion:

When our General Assembly debated the limited spousal exclusion bill we are
sure that they never contemplated as bizarre a set of facts as we have here.
One cannot imagine the base, vile, and inhumane acts that the appellant
perpetrated upon his wife. We are also certain that the legislature would want
this type of criminal conduct to be punishable as more than a Class C felony.
Hopefully, our legislature will address this issue and assess an appropriate
penalty for this wicked conduct.

WHEREAS, the new offense of aggravated spousal rape created by this act is
the General Assembly's response to the court's plea for legislative action in the Dominy
case and by increasing the penalty from a Class C to a Class B felony when the spousal
rape is accompanied by especially cruel conduct, it is the General Assembly's intent to
both deter and more severely punish in the future the type of reprehensible conduct that
occurred in the Dominy case; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-507, is amended by
adding the following new subsection (c) and by relettering present subsection (c)
accordingly:

(c)

(1) "Aggravated spousal rape" is the unlawful sexual penetration
of one spouse by the other where the defendant:

(A) Knowingly engaged in conduct that was especially
cruel, vile and inhumane to the victim during commission of the
offense; and either;

(B) Causes serious bodily injury to the victim; or

(C) Is armed with a weapon or any article used or
fashioned in a manner to lead the victim to reasonably believe it
to be a weapon.

(2) Aggravated spousal rape is a Class B felony.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SUNDQUIST, GOVERNOR